HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 21842 of 2006

Dated 12th March, 2007

Between

Syed Azhar Ahmed

…Petitioner

and

Government of Andhra Pradesh,
Rep. By its Secretary, Youth Advancement,
Tourism & Culture (Sports) Department, Secretariat,
Hyderabad, anr

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 21842 of 2006

ORDER:

This Writ Petition has been filed seeking Writ of Mandamus to declare the action of the respondents in not considering the application of the petitioner for grant of admission into Bachelor of Physiotherapy course, for the academic year 2006-200,7 under the Sports Quota as illegal and arbitrary.

In the affidavit filed in support of the Writ Petition, it is stated that the petitioner is a sports person having skills in Sepak Takraw and represented in IX Junior Team (Boys & Girls) Sepak Takraw Federation of India. It is the grievance of the petitioner that in spite of the orders issued by the Government in G.O.Ms.No. 20, dated 23-5-

2006 for admission of sports persons under the Sports quota into all professional courses, wherein the sport of Sepak Takraw was also included, the case of the petitioner was not considered under the sports quota for admission into Bachelor of Physiotherapy.

Counter affidavit is filed by the respondents, stating that Rules regulating the establishment of private physiotherapy institutions and admissions into such institutions are framed in G.O.Ms.No. 305, Health, Medical & Family Welfare (K2) Department, dated 7-8-1997 under the provisions of the A.P. Education Act, 1982 and though reservations are provided as per the constitutional obligations for admission into the Bachelor of Physiotherapy course, but however, there is no special reservation for sports personnel for admission to physiotherapy course.

As there is no special reservation provided in respect of sports persons under Sports quota for admission to Physiotherapy course, the petitioner cannot seek direction basing on G.O.Ms.No. 20, dated 23-5-2006. The State Government has framed rules called 'Rules regulating the establishment of Private Physiotherapy Institutions and admissions into such Institutions, 1997', in G.O.Ms.No. 305, dated 7-8-1997, which governs the admissions into physiotherapy courses, whereas G.O.Ms.No. 20, dated 23-5-2006 prescribes priorities among sports personnel for admission into medical, agricultural and other professional courses. In the absence of any provision for reservation in the statutory rules for admission into Bachelor of Physiotherapy course under sports quota, the petitioner cannot seek any direction for grant of admission. Further, the academic year has come to an end. Though it is submitted by the learned Counsel for the petitioner that the petitioner has made representation to the Government on 12-6-2006 for

extension of benefit of reservation to sports personnel for admission into Bachelor of physiotherapy course also, but, as the rules for admission into Bachelor of Physiotherapy course were made by the Department of Health, Medical and Family Welfare and no representation was made before the said authority and even the Health, Medical and Family Welfare Department is also not made a party to the Writ Petition, no direction can be issued. However, it is open for the petitioner to file representation for providing reservations for admission into the Bachelor of Physiotherapy course also to the concerned authority, and, if such representation is filed, it is open for the said authority to consider and pass appropriate orders.

Subject to the above observation, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 12-03-2007
Msnr.